

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

FIREARMS REGULATORY
ACCOUNTABILITY COALITION, INC.,
STATES OF WEST VIRGINIA, NORTH
DAKOTA, *et al.*,

Plaintiffs,

v.

MERRICK B. GARLAND, *et al.*,

Defendants.

No. 1:23-cv-00024-DLH-CRH
Hon. Daniel L. Hovland

**PLAINTIFF STATES’ NOTICE OF JOINDER IN
MOTION FOR PRELIMINARY INJUNCTION**

All Plaintiff States—West Virginia, North Dakota, Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, Oklahoma, Oklahoma, South Carolina, South Carolina, South Dakota, Tennessee, Utah, Virginia, and Wyoming—give notice that they join the motion for preliminary injunction filed on February 10, 2023. *See* ECF No. 7. The States join in all the arguments and points raised in both the motion and supporting memorandum. The States also agree that oral argument would be appropriate to help resolve the motion.

The Court should preliminarily enjoin Defendants from enforcing the Rule. The Rule is unlawful for multiple, independent reasons. *See* ECF No. 7-1, at 8-36. And this unlawful rule will impose irreparable harms on the States if the Rule remains in place. *Id.* at 38. Among other things, the Rule imposes unrecoverable compliance costs on all the States. *Id.* Further, it undermines the States’ ability to police crime, one of the traditional powers of State sovereigns. *Id.*; *accord North Dakota v. EPA*, 127 F. Supp. 3d 1047, 1059 (D.N.D. 2015) (explaining that a “loss of sovereignty”

can constitute irreparable harm”). And “there is no public interest in the enforcement of an unlawful action.” *Missouri v. Biden*, 576 F. Supp. 3d 622, 635 (E.D. Mo. 2021). In contrast, the Government will be unable to establish any harms to either its interests or the public’s during the time of the preliminary injunction, as the injunction merely preserves the pre-Rule status quo.

So, like the other Plaintiffs, the Plaintiff States are entitled to a preliminary injunction against the Rule. The States urge the Court to enter that injunction as soon as possible.

Respectfully submitted,

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